

a pull-up cable for connection to a movable garage door and connect to the pull-up cable drum to be raised and lowered thereby;

a pivotable arm mounted in proximity with the jack shaft and engaging the pull-up cable, said pivotable arm including a member for engaging the pull-up cable and holding it in tension; and

means for preventing the garage door from opening adapted for engagement by the pivotable arm when the garage door is lifted without the drive unit operating.

o⁷ 8. A jack shaft garage door operator for opening and closing a garage door according to claim 5 wherein the means for preventing comprises a door lock bracket that engages the pivotable arm.

o³ 10. 16. A jack shaft garage door operator for opening and closing a garage door according to claim 5 further comprising a shaft lock hub mounted on the jack shaft and rotatable therewith, the shaft lock hub being engaged by the pivotable arm when the cable tension drops.

REMARKS

In the Office Action dated January 15, 2002 as entered in the above captioned matter, claims 1 through 4 were allowed and claims 5 through 16 were rejected under 35 U.S.C. 251 as constituting an improper recapture of broadened claimed subject matter that had been previously surrendered. This rejection was made final. This rejection is hereby respectfully traversed.

The rejection was discussed in an interview kindly conducted by the Examiner on March 14, 2002. Although the applicant respectfully disagrees that improper recapture is applicable to the present claims, for the sake of expedient prosecution the applicant is willing to revise the claims to include specific language in claim 5 that most clearly obviates the grounds for rejection as articulated by the

Examiner. Pursuant to this amendment, claim 5 has been so amended. In addition, claims 10 through 15 have been withdrawn without prejudice, and claims 8 and 16 have been revised to ensure either full and clear antecedent basis and/or proper claim dependency.

There being no other rejections or objections to the claims, the applicant respectfully submits that claims 1 through 9 and 16 may now be passed to allowance.

Respectfully submitted
FITCH, EVEN, TABIN & FLANNERY



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4/2/02

Date

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PATENT
Attorney Docket 68410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Siegler et al.

Appln No.: 09/547,563

Filed: April 12, 2000

For: JACK SHAFT GARAGE DOOR
OPERATOR

Group Art

Unit: 3634

Examiner: Cohen, Curtis A.

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this date.

4/2/02

Date Steven G. Parmelee
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Response to Final Rejection Appendix

Hon. Commissioner of Patents
And Trademarks
Attn: Asst. Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to 37 C.F.R. § 1.121, as amended effective 7 November, 2000, Applicant presents herewith marked-up text of the claims of this application as amended by the foregoing Response:

IN THE CLAIMS:

Please cancel, without prejudice, claims 10 through 15.

Please amend claims 5, 8, and 16 to read as follows:

5. A jack shaft garage door operator for opening and closing a movable garage door, comprising:
 - a drive unit;

a jack shaft coupled to the drive unit to be turned thereby;
a pull-up cable drum connected to the jack shaft to be driven thereby;
a pull-up cable for connection to a movable garage door and connect to the
pull-up cable drum to be raised and lowered thereby;

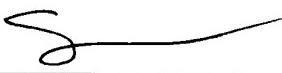
a pivotable arm mounted in proximity with the jack shaft and engaging the
pull-up cable, said pivotable arm including a member for engaging the pull-up
cable and holding it in tension; and

means for preventing the [stop apparatus for inhibiting] garage door from
opening adapted for engagement by the pivotable arm when the garage door is
lifted without the drive unit operating.

8. A jack shaft garage door operator for opening and closing a garage door according to claim 5 wherein the means for preventing [stop apparatus] comprises a door lock bracket that engages the pivotable arm.

16. A jack shaft garage door operator for opening and closing a garage door according to claim 5 [10] further comprising a shaft lock hub mounted on the jack shaft and rotatable therewith, the shaft lock hub being engaged by the [mechanical device] pivotable arm when the cable tension drops.

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